

IT IS ORDERED as set forth below:

Date: March 29, 2018



A handwritten signature in black ink, appearing to read "Lisa Ritchey Craig".

Lisa Ritchey Craig
U.S. Bankruptcy Court Judge

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN THE MATTER OF:	:	CASE NUMBER
	:	
FRED MILANI,	:	15-54748-LRC
	:	
	:	IN PROCEEDINGS UNDER
	:	CHAPTER 7 OF THE
Debtor.	:	BANKRUPTCY CODE

ORDER

Before the Court is the Motion to Establish Deadline to Respond to Motion to Compel Discovery and Motion to Correct, Amend, Modify or Reconsider Order Reopening Case, filed by Fred Milani (“Debtor”) (Doc. 65) (the “Motion”). The Motion is opposed by Francis X. Moore and FXM, P.C. d/b/a Frank X. Moore (“Respondents”).

On March 11, 2018, and March 13, 2018, Respondents filed against Debtor a Motion to Compel Discovery (Doc. 63) (the “Motion to Compel”) and a Motion to Correct,

Amend, Modify or Reconsider Order Reopening Case (Doc. 62) (the “Motion to Reconsider”). On March 20, 2018, Debtor filed the Motion seeking an extension of time to respond to the Motion to Compel and the Motion to Reconsider until at least April 16, 2018. Respondents object to the extension and request an order requiring that:

“(a) On or before March 27, 2018, [Debtor] file his response to the Motion to [Reconsider]; (b) On or before April 2, 2018, Respondents file any reply brief in further support of said Motion to [Reconsider]; (c) On or before March ___, 2018, [Debtor’s] new counsel meet and confer with Respondents’ counsel in the Atlanta area in the presence of a court reporter (to be paid for, at least initially, by Respondents) to work diligently and in good faith to address and attempt to resolve all of the issues that have been raised regarding [Debtor’s] discovery responses (or lack thereof); (d) dismissing, without prejudice, Respondents’ Motion to Compel [Dkt#63] with the right to refile it (or so much of it that remains necessary) depending on the outcome of the above-referenced Court ordered meet and confer session; and (e) reminding the parties and their counsel of their obligations under all applicable laws and rules governing discovery that are applicable in this contested matter proceeding.”

Debtor has not filed a reply to Respondents’ request. However, in the Motion, Debtor notes that counsel for Respondents and Debtor did not have an opportunity to meet and confer regarding the discovery that Respondents seek in connection with the matter before the Court (Debtor’s Motion for Entry of an Order Compelling Frank X. Moore to Appear and Show Cause as to Why He Should Not Be Held in Contempt for Violation of the Discharge Injunction Imposed by §524(a)(2) of the Bankruptcy Code (Doc. 46). It

appears to the Court that the above procedure proposed by Respondents is reasonable and would benefit the parties and the Court, but that the timeline requested by Respondents is too short, given the circumstances outlined by Debtor in the Motion.

Subject to objections filed on or before April 9, 2018, the Court ORDERS as follows:

- (1) On or before April 13, 2018, Debtor shall file his response to the Motion to Reconsider;
- (2) On or before April 20, 2018, Respondents shall file any reply brief in further support of said Motion to Reconsider;
- (3) On or before April 20, 2018, Debtor's counsel shall meet and confer with Respondents' counsel in the Atlanta area in the presence of a court reporter (to be paid for, at least initially, by Respondents) to work diligently and in good faith to address and attempt to resolve all of the issues that have been raised regarding [Debtor's] discovery responses (or lack thereof);
- (4) The Motion to Compel is hereby DISMISSED without prejudice, with Respondents retaining the right to refile it, or so much of it that remains necessary, depending on the outcome of the above-referenced Court-ordered meet and confer session; and
- (5) The parties and their counsel are hereby reminded of their obligations under all

applicable laws and rules governing discovery that are applicable in this contested matter proceeding.

If a timely objection is filed, the Court will schedule a hearing to consider the objection and all deadlines stated herein will be suspended until further Order of the Court.

END OF DOCUMENT

Distribution List

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